G R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1901-2
(Courts)

File No. 9

Serial Nos. 4 + 12

Papers Filed.

Month October 1912

SUBJECT.

Complaint of non-recovery of effects stolen, in regard to a warrant issued for his arrest ~~for~~ in a civil case

PREVIOUS REFERENCES.

Cl. 9-11-84-10

LATER REFERENCES.

S. Amanta to Ramachandra Iyer
letter

G.R.S. 11] 1911

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 9-11

FILE HEADING.

Complaint of Mr E.C. Kent, Coffee Planter, in regard to a warrant issued for his arrest for a civil debt.

From

Mr. E.C. Kent, Jeccan, Hezebellalu, P.O. Kadur Dt.

No. Dated 10.4.12 Received in Branch 23.4.12

Diary No. 12839 Enclos. - Spare Copies. - Serial No. 11.

BRIEF ABSTRACT OF LETTER.

Calls on the Govt. for an apology for the treatment he has received & states that he will place the matter before his association & forward the full correspondence to his Solicitors at Madras.

NOTES AND ORDERS.

1

Dewan's order on the letter:-

Secy: Please let me see the file referred to - (Is it one file or more?)

Also correspondence with the Residency (of which I suppose there was some) 2nd. T.A.R. 18.4.12

NOTES—1 First Sheet.

GPB—30,000—12-8-11

2

G. R. S. 12]

General and Revenue Secretariat.

A2 File No. 9 of 191 1

Serial No.

Subd. with the file regarding the complaint of Mr. Kent for orders.

K.V. (123) SW(11)
23.4.12

28/4/12

2

Sec.

Submitted to Dewan

24/4/12

Vide S. note below.

25/4/12

9 28½ 29.4.12

NOTE—Contn. sheet.

GPB—20,000—20-1-12

Submitted to His Highness.

3 I submit for the information of His Highness as a matter of importance a letter dated 10th April 1912 addressed to the Dewan of Mysore from Mr. E.C. Kent, a planter in the Kadur District, together with the connected papers.

4 2. What he complains of is Government Order No.J 2586/Cts.9-11 dated 6th March 1912. It simply recorded the Chief Court's letter in accordance with the opinion of the First Councillor - vide para 19 of the notes.

5 3. As will be observed from my D.O. letter No.3116 dated 29th January 1912 to Sir Stanley Ismay, I was of opinion that something more than official censure was called for but Sir Stanley thought that no further action was necessary - vide his D.O. reply dated 6th February. So I concurred with the First Councillor in issuing the order merely recording the Chief Court's letter.

6 4. In this connection it may be noted that Rule 37 of order XXI, Civil Procedure Code, vests a discretion in the Courts executing a decree, for the payment of money, to issue a notice to the judgment-debtor to 'show cause why he should not be committed to the civil prison'. With a view

4

view to prevent any hasty or inconsiderate action on the part of the presiding officers of our Subordinate Courts in cases where the European planting community is concerned, I would suggest the issue of a confidential Departmental Circular from the Chief Court, laying down instructions to the Subordinate Courts that notices to show cause under rule 37 should invariably issue before any European planter (and for that matter any public servant or respectable Indian gentleman) is arrested under a money decree. If His Highness is pleased to approve of the suggestion, I will move the Chief Court in the matter.

ka

T Madhava Rao
7 May

5

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Complaint of Mr. E.C. Kent, Coffee Planter, in regard to a warrant issued for his arrest for a civil debt.

697

Order.

15/5/12

16 May 12

19/5

19/5/12

20/5/12

[G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 9 of 1911-12

Serial No. 10

Case works enclosure

Draft Subd

Hes. Sec. (II) 20.5.12 / 20/5/12 (1) Draft Subd

~~Chief Secretary to Govt. Political Department~~

The Chief Secretary a

* a practice rule

Circular under Sec 130 of the C.P.C. It is a question whether the word 'Confidential' may be retained

20/5/12

Draft for submission to Dewan Bringing 1st Councillor for approval

B. Mr. Kents letter of 10th April last remains unreplied. May we ask him that Govt do not form any opinion in the matter of his complaint.

1st Councillor & Dewan — 27/5

NOTE—Contn. sheet.

RPB—20,000—20-1-12

J. R. S. 12]

General and Revenue Secretariat. | Ct File No. 9 of 1911—12

Serial No.

14 I do not, I must say, like such circulars in respect of judicial matters. They are harmless in themselves and may even do some good in pointing out to judicial officers how discretionary powers ~~as~~ vested in them may be exercised properly. But they are bound to have a prejudicial effect on the morale of the judicial service, as discouraging judicial independence.

9/6/12

1699
10-6-12

15 Dewan 10/6

The draft has been revised. We and the draft may be sent to the Chief Secretary for issue. (Who is now in Simla) 13 July 12

NOTE—Contn. sheet.

GBB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

File No. 9 of 1911

Serial No.	
176.	16 Submitted to 1st Councillor May his draft Despatch of the Dewan be issued? 23 15/7/12
	17 Somehow I cannot easily reconcile myself to the issue of this Circular. I have suggested an alteration in pencil. If the Dewan approves of this variation it may issue. 16/7/12
2839 Rec'd 18-7-12	Dewan 23 17/7
	18 Copies Vide typed draft with Despatch 17/7/12
	19 Issue & Submit to 1st Councillor for perusal 23 10/8.
	20 Mark "Confidential" 12/8/12

NOTE—Contn. sheet.

G 11—65,000—17-C-12.

G. R. S. 12].

General and Revenue Secretariat.

Ch. File No. 9 of 1911 -

Serial No. 12

To The Registrar, Chief Court,

No: 1469 d. 13-8-12.

States that Govt. Consider that the Subordinate Courts should be instructed to make use largely of the discretion vested in them by Rule 37 of Order XXI of the Civil Proc. Code, and that the notice prescribed therein should be issued in all cases in which respectable persons (whether Indian or European) are arrested in execution of a decree; and requests that the action taken in the matter may be reported.

1) Subd. to 1st Councillor for perusal.

SW(11)

13/8/12. Seen

13/8/12

13/8

14/8

14/8/12

No 2248 dy 24-8-12

2) Submitted with a copy of the Circular letter issued by the Chief Court in the matter

NOTE—Contn. sheet.

GPB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

C. File No. 9 of 1911-12

Serial No.

referred to above for information.
H.C.S. 12-
20/9/12.

Attention is also respectfully invited to the Genl Secy's note dt 27.5.1912 in para 13 above.

It may perhaps be submitted to Sir C.P. Dewan for info. No further action appears to be necessary now.

21/9/12

Lec'd 25 Submitted for perusal

1st Counsellor

Dewan

21/9

3584
26-9-12

26 Seen

23/9/12

21/9/12

27 Seen

27 Sept

24/9/12

28 Rec'd

28/9

NOTE—Contn. sheet.

GPB—20,000—20-1-12

treatment will again occur.
The Mysore Government seem
to wish to ignore the whole
matter.
I call on the Mysore Government
for an apology for the behaviour
of the Municipal Chairman
for the treatment I have
received and shewed I must
resent this. I shall be
forced to place the matter
before my Association &
forward the full correspondence
to my Solicitor in Madras.
I have the honor to be
Sir
Your most obedient servant
S. C. Kurup

dt 9-11-11. Secy Government

1 Ct 2839

Jeccan V&A
Hosakotta P.O
Kadur District
April 10th 1912

To the Dewan of Mysore
Bangalore.

Sir I have received a copy
of the proceedings of the
Mysore Govt. in explanation
of the indescribable insult I
received.

This explanation dated March
6th does not allow me to
let the matter pass. It gives
me no assurance that such

Keen

Please let me see the file referred to - (Is it one file or more?)

Also correspondence with the Residency (What I suppose there was done)

Yours

[illegible]

TH

J 469/cls 9-11 & 13/8/12

Confidential

To

The Registrar,

The Chief Court of Mysore.

Sir,

With a view to prevent any hasty or inconsiderate action in the execution of decrees for payment of money, Government consider that the Subordinate Courts should be instructed by means of a confidential Circular to make use largely of the discretion vested in them by ~~Section~~ Rule 37 of Order XXI of the Code of Civil Procedure. As a rule, the notice prescribed therein should, unless there are strong reasons to the contrary, be issued in all cases in which any respectable persons (Indian or European) are ordered to be arrested in execution of a decree of a Civil Court.

2. I am to request you to be so good as to place the suggestion before the Chief Court and to favour Government with information as to the action taken by them in the matter.

I have &c.,

Secretary to Government.